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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,093	10/24/2008	Jochen Kruse	72225	1790
23872	7590	12/02/2011		
MCGLEW & TUTTLE, PC P.O. BOX 9227 SCARBOROUGH STATION SCARBOROUGH, NY 10510-9227			EXAMINER SULLIVAN, DEBRA M	
			ART UNIT 3725	PAPER NUMBER
			MAIL DATE 12/02/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,093

Applicant(s)

KRUSE ET AL.

Examiner

DEBRA SULLIVAN

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-20 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-10 and 12-19 is/are rejected.
- 8) ☒ Claim(s) 11 and 20 is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 30 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>05302006</u> . | 6) <input checked="" type="checkbox"/> Other: <u>GB1387650</u> . |

DETAILED ACTION

Double Patenting

Claims 12-20 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 1-11. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5, 6, 16 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation “hole-like” in claims 5 and 16 renders the claim indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). With regards to claim 6 and 17, there is insufficient antecedent basis for the limitation “the upper die” in the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 and 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ricks (US 3,255,623) in view of Perrier (GB 1,387,650). In reference to claims 1 and 12, Perrier discloses a cold forming process for manufacturing ball pivots with a ball area, the process comprising of manufacturing a ball pivot blank with a shaped cone (5), a cylindrical thread area (7) and a cylindrical ball area (1) and subsequently, in at least one other operation, forming a ball (1) by means of a rolling process by rolling forming bodies (31, 33) [see figures 1-6; pg 2 lines 18-100]. Perrier discloses the invention substantially as claimed except for wherein the ball pivot blank is manufactured from a bar-shaped semi-finished bar stock by extrusion. However, Ricks teaches of extruding a bar shaped semi-finished bar stock (20) in a number of extrusion presses (22, 40 & 50) for the purpose of obtaining a ball pivot blank with a shaped cone area (13), a cylindrical thread area (11) and a cylindrical ball area (15) having an extrusion flash arranged at the free end of the ball area. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to manufacture the ball pivot blank of Perrier by the extrusion process taught by Ricks in order to eliminate material waste when manufacturing the ball pivot blank.

In reference to claims 2 and 13, Perrier further discloses the rolling process is a triggered synchronized rolling process, as seen in figure 3.

In reference to claims 3 and 14, Perrier further discloses the thread area (7) is formed simultaneously with the forming of the ball area (1) into its final shape (1), as seen in figures 4-6.

In reference to claims 4 and 15, Perrier further discloses the cone area (5) is smoothed simultaneously with the forming of the ball area (1) into a ball final shape, as seen in figures 4-6.

Art Unit: 3725

In reference to claims 5 and 16, Ricks further teaches a blind hole-like recess is opened on a front side and is pressed into the free end of the ball pivot blank intended for forming the ball area before the rolling operation, as seen in figures 5, 7 & 8.

In reference to claims 6 and 17, Ricks further teaches the recess is formed by the upper die (49) used during pressing, as seen in figure 5.

In reference to claims 7 and 19, Perrier further discloses a cylindrical neck area (13) is formed at first during rolling between the cone area (5) and the cylindrical ball area (1), as seen in figures 5 and 6.

In reference to claim 8, Perrier further discloses a flat-jaw rolling process is used as the rolling process [see pg. 2 lines 101-103].

In reference to claim 9, Perrier further discloses a round-jaw rolling process is used as the rolling process, as seen in figure 3.

In reference to claim 10, Perrier further discloses the round-jaw rollers used in the round-jaw rolling process are designed as rolling cylinders (31, 33), which are located next to one another on parallel axes of rotation and whose outer contour has half of the negative form of the contour of the ball pivot to be rolled, wherein the ball pivot is arranged in a roll gap between the rolling cylinders (31, 33) during the rolling process, as seen in figure 3.

In reference to claim 19, Perrier further discloses the rolling process is a round-jaw rolling process using round-jaw rollers designed as rolling cylinders (31, 33), which are located next to one another on parallel axes of rotation, and whose outer contour has half of the negative form of the contour of the ball pivot to be rolled, wherein the ball pivot is arranged in a roll gap between the rolling cylinders (31, 33) during the rolling process, as seen in figure 3.

Art Unit: 3725

Allowable Subject Matter

Claims 11 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art neither discloses nor teaches of the round-jaw rollers being formed by a rolling cylinder and a hollow cylinder concentrically surrounding the rolling cylinder.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra Sullivan whose telephone number is (571) 272-1904. The examiner can normally be reached Monday - Friday 8am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached at (571) 272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Debra M Sullivan/
Primary Examiner, Art Unit 3725